

GENERAL PROVISIONS

§§343.1-343.2

These rules are promulgated under the authority of Sections 5.131, Texas Water Code.

§343.1. Definitions.

"Hazardous Substances" means any material which, because of its concentration, or physical or chemical characteristic, is toxic, corrosive, flammable, a strong sensitizer or irritant, generates sudden pressure by decomposition, heat, or other means, and may pose a substantial present or potential danger to human health or the environment when discharged or spilled onto coastal land or into water.

§343.2. Permit Exemption for Emergency clean up activities.

(a) The purpose of this section is to provide for immediate and necessary control, containment, removal and disposal of oil or hazardous substances spills or discharges occurring within coastal lands or waters in the state pursuant to the Texas Oil and Hazardous Substances Spill Prevention and Control Act, Subchapter G, Chapter 26, Texas Water Code. This section applies to such spills or discharges where the delay necessitated by obtaining Commission authorization would seriously impair efforts to prevent the imminent or substantial endangerment to health or the environment.

(b) The executive director may arrange for the disposal of such substances at sites and in accordance with terms and conditions as he or his designated representative deems proper.

(c) No commission permit or other authorization is required for such activities, provided the activities are conducted under the supervision of the executive director or his designated representative.

(d) Such disposal shall not result in loss of any exemption to which the facility would be entitled under §335.2 (b) of this title (relating to Application Procedures).

(e) The executive director shall file a report with the commission within 60 days after completing disposal activities. The report shall describe the disposal in sufficient detail to allow an evaluation of its environmental and water quality impacts.

(f) The commission shall hold a public hearing to determine whether the disposal has created or will cause an adverse affect on the waters in the state or an impairment of the health, welfare and physical property of the people in the state. The commission shall publish notice of the hearing at least 20 days prior to the hearing in a newspaper of general circulation in the area or areas of the disposal described in the report. Following such hearing, the commission may take any action it deems appropriate pursuant to statutory or other authority.

(g) Subsections (e) and (f) above shall not apply to the extent the disposal is otherwise authorized by rule, permit or order of the department or other state agency.

(h) Subsections (e) and (f), above, do not apply to the relocation of lightly oiled sand from any beach to an area adjacent to the beach affected by the discharge or spill.

Effective February 24, 1978